

Minutes

Board of County Commissioners Hyde County

February 4, 2008

Chairman Charles Spencer called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 pm on Monday, February 4, 2008 in the Multi-Use Room in the Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager, Carl Classen; County Attorney, Sid Hassell; Clerk to the Board, Lois Stotesberry; and members of the public.

Following a pledge of allegiance to the flag and opening prayer by Chairman Spencer the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the February 4, 2008 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to accept the Agenda with the addition of item II.B. Revaluation Update and striking of Items V.A. Budget Revisions and Transfers and VI.A.(i) Subdivision Ordinance Amendment Committee. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft January 22, 2008 meeting minutes. Commissioner Davis made motion to approve subject to review. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the January 22, 2008 Meeting Minutes as approved by the Board of Commissioners is attached herewith as Exhibit A and incorporated herein by reference.

Public Comment:

Following consideration of minutes, Chairman Spencer called for comments from the public.

Jane Gibbs was granted permission not to come to the microphone to speak due to recent foot surgery. Mrs. Gibbs asked if a feasibility study has been performed on the old courthouse project. Interim County Manager, Carl Classen answered yes.

Carolyn Williford, President of The Greater Hyde County Chamber of Commerce expressed disappointment in the Golden LEAF Foundation's decision not to select the Chamber's request for funding for a welcome center. Mrs. Williford stated that the Chamber of Commerce is a 501(c)(3) non-profit organization and therefore in her opinion qualifies for this funding.

Randy Hignite of the Waterfowl Association asked for a letter of support from the Commissioners, citing this organization is also 501(c)(3) rated. Mr. Hignite stated that Ms. Pat McCabe of the Golden Leaf Foundation recommends combining the Chamber's request for a welcome center with the Waterfowl Association's request for a civic center and presentation for consideration as one joint project.

Bob Pearson, Pearson Appraisal Service gave update presentation stating that appraisals, leading towards January 01, 2009 revaluation, were underway. Appraisals are using new GIS (Geographic Information System) mapping information. Schedule of Values expected in fall 2007 and notices of revaluation expected in winter 2008-09 with informal hearings in winter 2008 and Board of Equalization and Review in spring 2009. New values in effect for FY2009-10 budget year.

Other Matters:

Edward O'Neal submitted request for the County's endorsement of a WAMI (Waterfront Access and Marine Industry) application from the Wildlife Resources Commission to utilize approximately 3.5 acres of land in Swan Quarter owned by Mr. O'Neal for various purposes – college research; watermen tie-up; and community retail seafood market.

Commissioner Swindell made motion to approve the WAMI (Waterfront Access and Marine Industry) application submitted by Edward O'Neal and to authorize the Chairman to sign a letter of endorsement. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – Davis; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the January 8, 2008 Hyde County to NC DMF (North Carolina Division of Marine Fisheries) – Edward O'Neal - Letter of Endorsement is attached herewith as Exhibit B and incorporated herein by reference.

Claudia Cahoon is seeking endorsement of a WAMI (Waterfront Access and Marine Industry) application to purchase her fish house property in Swan Quarter. Ms. Cahoon's application would increase the amount of dock space and dock accessory uses for large commercial fishing vessels – vessels drawing too much water for tie-up at the O'Neal property.

Commissioner Davis made motion to approve the WAMI application submitted by Claudia Cahoon and to authorize the Chairman to sign a letter of endorsement. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the January 8, 2008 Hyde County to NC DMF (North Carolina Division of Marine Fisheries) – Claudia Cahoon - Letter of Endorsement is attached herewith as Exhibit C and incorporated herein by reference.

Janet Clarke – Minor Subdivision, Lake Landing Township

Commissioner Davis asked to be excused because of conflict of interest. Commissioner Swindell made motion to excuse Mr. Davis. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Commissioner Davis.

Chairman Spencer made motion to approve the Janet Clark Minor Subdivision application allowing a 45' easement. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – Commissioner Davis.

Commissioner Davis returned to the room.

CDBG-E1 05-E-1495 Signatory Form

Currently, Carl Classen, Interim County Manager and Alice Keeney, County Planner/Economic Developer are the only signatures on this card. Two signatures are required to process a grant request. Commissioner Davis made motion to add Jessica Gibbs, Finance Officer to the Signature Card for this grant and to approve signing new signatory forms. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the CDBG-E1 05-E-1495 Signatory Form is attached herewith as Exhibit D and incorporated herein by reference.

Funding Approval & Grant Agreement CDBG-SBEA

Hyde County has been awarded a CDBG-Small Business Entrepreneurial Grant (SBEA) Grant in the amount of \$250,000.00. No local match is required. Commissioner Davis made motion to authorize the Chairman, County Manager, Clerk to the Board and other necessary County officials to execute the Grant Agreement and Funding Approval for CDBG No. 07-C-1702 and to appoint three persons to act as signatories on CDBG No. 07-C-1702 Grant documents and to authorize signatories Carl Classen, Hyde County Interim County Manager,

Alice M. Keeney, Hyde County Planner/Economic Developer and Jessica Gibbs, Hyde County Finance Officer. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the Funding Approval & Grant Agreement CDBG-SBEA is attached herewith as Exhibit E and incorporated herein by reference.

Lease/Davis High Ventures, Inc. for Davis Youth, Recreation & Community Center

The lease between the County of Hyde and the Davis High Ventures, Inc for the Davis Youth Recreation & Community Center in the former Davis School in Engelhard that was signed in 2001 will expire on May 21, 2008. In order for Davis High Ventures to participate in various State & Federal programs, representative, Michael Adams requests a lease with a 10-year expiration date. Commissioner Davis made motion to authorize a 5-year lease contingent upon review and to authorize the Chairman, County Manager, Clerk to the Board and other County Officials, as necessary, to sign and execute to sign final lease documents. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the Lease/Davis High Ventures, Inc. for Davis Youth, Recreation & Community Center is attached herewith as Exhibit F and incorporated herein by reference.

Lease/Hyde County CDC Hyde Davis Business Enterprise Center

The lease between the County of Hyde and the Hyde County Community Development Corp. (CDC) for the Hyde Davis Business Enterprise Center in the former Davis School that was signed in 2003 will expire on December 31, 2008. In order for the Hyde Davis Business Enterprise Center to participate in various State & Federal programs, representative, Michael Adams requests a lease with a 10-year expiration date. Commissioner Davis made motion to authorize a 5-year lease contingent upon review and to authorize the Chairman, County Manager, Clerk to the Board and other County Officials, as necessary, to sign and execute to sign final lease documents. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the Lease/Hyde County CDC Hyde Davis Business Enterprise Center is attached herewith as Exhibit G and incorporated herein by reference.

Fire Department Contracts

Hyde County has entered into contracts with local fire departments in the past that expired June 30, 2007. The actual amount (\$15,000.00 per Fire Department in FY2007-08) would be established annually in the budget cycle. Commissioner Davis made motion to approve the agreements with all Hyde County Fire Departments contingent upon review and amendment by the County Attorney and to authorize Chairman, County Manager, Clerk to the Board and other County Officials, as necessary, to sign and execute to sign final agreements. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the draft Local Fire Departments Contract is attached herewith as Exhibit H and incorporated herein by reference.

Prioritization of Issues for Golden Leaf

After discussion and review of the six projects that Golden Leaf Foundation is interested in grant funding in this round, Chairman Spencer asked for motion to support applications to the Golden Leaf Foundation. Six projects were voted on:

- Mattamuskeet Lodge Sewer Project application approved on motion by Commissioner Davis, seconded by Mr. Ballance. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.
- Wanchese Seafood Industrial Park Expansion application denied on motion by Commissioner Armstrong, seconded by Mr. Swindell. The motion was denied on the

following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

- Ocracoke Working Waterman’s Fish House application approved on motion by Commissioner Balance, seconded by Mr. Davis. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.
- Engelhard Medical Center application approved on motion by Commissioner Davis, seconded by Mr. Ballance. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.
- Mattamuskeet Trading Company denied after motion to approve by Commissioner Davis, seconded by Mr. Ballance. The motion was denied on the following vote: Ayes – Ballance, and Davis; Nays – Armstrong, Swindell and Chairman Spencer. Absent or Not Voting – none.
- Davis Ventures Incubator Kitchen denied after motion to approve by Commissioner Davis, seconded by Mr. Ballance. The motion was denied on the following vote: Ayes – Ballance, and Davis; Nays – Armstrong, Swindell and Chairman Spencer. Absent or Not Voting – none.

Commissioner Davis moved to take a five minute recess. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Chairman Spencer reconvened the meeting. Interim County Manager, Carl Classen recommended revising disbursement of the \$2,000,000.00 grant funding as follows:

- Mattamuskeet Lodge Sewer Project – \$270,000.00.
- Hyde County Seafood Park at Engelhard (expansion of Wanchese Seafood Industrial Park) - \$445,800.00.
- Visitor Center at Mattamuskeet - \$300,000.00.
- Ocracoke Working Watermen’s Fish House - \$386,000.00.
- Engelhard Medical Center - \$400,000.00.
- Mattamuskeet Trading Company - \$128,200.00.
- Davis Ventures Incubator Kitchen - \$70,000.00.

Commissioner Davis moved to approve the selected projects with funding as recommended by Mr. Classen. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Subdivision Application - Preliminary Plat - Gregory C. Gibbs -Major Subdivision - Wysocking Bay Subdivision Phase II – Lake Landing Township

Commissioner Davis reported he had prior involvement with this project, but is not involved with the project at this time.

After presentation by Mr. Gibbs, Commissioner Swindell moved to approve preliminary plat subdivision application from Gregory C. Gibbs for a twenty-four lot Subdivision titled “Wysocking Bay – Phase II” on Lake Landing Canal behind Wysocking Bay Subdivision – Phase I, Lake Landing Township and to authorize the Chairman and other County officials to advise the applicant to proceed with preparation of a final plat, as outlined in the Hyde County Subdivision Ordinance. Mrs. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Subdivision Application - Gregory C. Gibbs -Minor Subdivision Swan Landing – Fairfield Township

After presentation by Mr. Gibbs, Commissioner Swindell moved to approve subdivision application from Gregory C. Gibbs for a nine-lot Subdivision titled “Swan Landing” at the corner of North Lake Road and Highway 9 4, Fairfield Township and to authorize the Chairman and other County officials to sign documents in support of this action.

Other Meetings

Commissioner Gene Ballance reported that the Ocracoke Helipad is completed. No action is required of the Board. Also included for Commissioners review:

- Scenic Byway Advisory Meeting (01-17-2008) – Draft Minutes.
- Ocracoke Airport Advisory Board (OAAB) Meeting Agenda for February 7, 2008.

Joint School Use Facilities Committee: Chairman Spencer reported that bringing the sewer system to Mattamuskeet School would free up approximately 15-20 acres of land which could be used for construction of fourteen classroom buildings with two shops. Commissioner Ballance reports Ocracoke School has it's first ever basketball team and a new gym is needed.

Jail Use Committee: Chairman Spencer reported meeting with Senator Dole for discussion of the ICE Program (Immigration and Customs Enforcement) stating that the Federal Government would lease cells in the Hyde County Jail to house violators of immigration laws. Albemarle Mental Health is expanding, which should reduce the amount of time the Sheriff and Deputies are spending in transports and waiting with patients, for placement in Plymouth.

County Commissioners Report

Interim County Manager, Carl Classen has been asked to convene a public input meeting on the condition of the private roads in Lakeview and Hacienda Heights subdivisions near Engelhard. 2007 State legislation defines the authority of a County to assist in the improvement of these roads. At the public meeting residents will be provided information from NCDOT describing options available.

No other board or committee reports were offered so Chairman Spencer continued with the Agenda.

County Manager's Report

Interim County Manager, Carl Classen updated the Commissioners on various projects, including the Government Center; Public Safety Center; Swan Quarter Dike Project; Ocracoke Fish House; Mattamuskeet Lodge Sewer Project; and the Engelhard Airport. Mr. Classen thanked Commissioners Davis and Swindell for work completed by the Solid Waste Committee.

After review of the Solid Waste Service Plan Proposal, Mr. Davis moved to adopt the Solid Waste Service and Financing Plan for Hyde County. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

CLERK'S NOTE: A Copy of the “Solid Waste Plan and Fees” is attached herewith as Exhibit I and incorporated herein by reference.

Closed Session: Mr. Davis moved to enter Closed Session in accordance with NCGS 143–318.11 (a) (6) regarding personnel matters. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

Mr. Davis moved to return from Closed Session. Mrs. Armstrong seconded the motion. The motion passed upon the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

There being no further matters to come before the Commissioners, Mr. Davis moved to adjourn the meeting. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Swindell, Davis and Chairman Spencer; Nays – None; Absent or Not Voting - None.

The meeting adjourned at 10:10 PM.

Respectfully submitted:

Lois Stotesberry, Clerk to the Board of Commissioners

Minutes approved on _____ day of February, 2008.

Charles Spencer, Chairman,
Hyde County Board of Commissioners

Further amended and re-approved on the _____ day of April, 2008.

Charles Spencer, Chairman,
Hyde County Board of Commissioners

ATTACHMENTS:

- Exhibit A – *“January 22, 2008 Commissioner Meeting Minutes”*
- Exhibit B – *“The January 8, 2008 Hyde County to NC DMF (North Carolina Division of Marine Fisheries) – Edward O’Neal – Letter of Endorsement”*
- Exhibit C – *“January 8, 2008 Hyde County to NC DMF (North Carolina Division of Marine Fisheries) – Claudia Cahoon – Letter of Endorsement”*
- Exhibit D – *“CDBG-EI 05-E-1495 Signatory Form”*
- Exhibit E – *“Funding Approval & Grant Agreement CDBG-SBEA”*
- Exhibit F – *“Lease/Davis High Ventures, Inc. for Davis Youth, Recreation & Community Center”*
- Exhibit G – *“Lease/Hyde County CDC Hyde Davis Business Enterprise Center”*
- Exhibit H – *“Draft Local Fire Departments Contract”*
- Exhibit I - *“Solid Waste Plan and Fees”*